

REMARKS

Claims 8-33 and 48-52 are pending in the subject application. The pending claims stand rejected in the Office Action as follows: claims 8-10 and 21-23 were rejected under 35 U.S.C. 102(e) as being anticipated by Lupien et al. (U.S. Patent 5,950,177); claims 48-49 and 51-52 were rejected under 35 U.S.C. 102(e) as being anticipated by Minton (U.S. Patent 6,014,643); claims 11-15 and 24-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien in view of Minton; claims 16-20 and 29-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Minton in view of Personal Finance (Quicken Deluxe for Windows); and claim 50 was rejected under 35 U.S.C. 103(a) as being unpatentable over Minton in view of Broka et al. (U.S. Patent 5,809,483).

The rejections of claim 8 and 21 and all claims depending directly or indirectly thereon are believed to be rendered moot by the above amendments to claims 8 and 21. Nevertheless, Applicants address the rejections of original claims 8 and 21 herein, in order to ensure that the record reflects that the above amendments were made merely in order to expedite prosecution of the subject application and not because Applicants believe the rejections of the original claims were proper. Moreover, all arguments made in previous responses to Office Actions in this case are incorporated herein by reference, where applicable.

Regarding the rejection of claims 8-10 and 21-23 over Lupien, the Office Action states that Lupien

discloses a computer display of orders to buy certain securities at different prices based on data (satisfaction density data) transmitted over the network by at least some of the users of the service (Col. 6, lines 27-34), and a computer display of offers to sell the certain securities at different prices based on data (satisfaction density data) transmitted over the network by at least some of the traders of the service (Col. 6, lines 4-9).

Applicants respectfully disagree with the Office Action's characterization of the cited lines from Lupien. Column 6, lines 4-9 and 27-34 of Lupien only disclose a user entering and viewing his or her own order information. No orders from other users are displayed, and the displayed information is not displayed as a result of having been transmitted over the network.

To fully appreciate the inaccuracy of the Office Action's characterization of Lupien, an understanding of the Lupien system is necessary. The Lupien system is an automated matching system. It accepts buy orders from some users and sell orders from other users, then uses a matching algorithm to match the buy and sell orders. The novel aspect of the Lupien system lies in the "satisfaction density" data it collects from users before it implements its matching algorithm.

Because the Lupien system is an automated matching system, it does not display available buy orders to selling users, and it does not display sell orders to buying users. In fact, it only "displays" one kind of order: the user's own order, which he has just input. If the user's order is matched, the Lupien system displays the trade, but that is not an "order."

The order displayed by the Lupien system is not transmitted over the network to other users before it is displayed. Actually, a user of the Lupien system inputs a plurality of orders, not a single order, and assigns each a satisfaction density profile, which is then transmitted to a crossing network for matching against contra orders and execution. The orders entered by the user are transmitted over the network to the Lupien system server(s), but *after* the orders are displayed to the entering user, not before.

Thus, Lupien only discloses displaying to a user orders entered by that user, and those displayed orders are displayed before they are transmitted over the network. This does not anticipate claim 8, which requires a computer display "based on data transmitted over the network by at least some of the users of the service." That is, the displayed orders must come from some users other than the viewing user (since the data has come over the network), and the displays must be based on (i.e., the result of) data that has been transmitted over the network. Thus, the elements of original claim 8 are not disclosed in Lupien.

Claims 16-20 and 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Minton in view of Personal Finance (Quicken Deluxe for Windows). This rejection is respectfully traversed.

Claim 16 is for a "computer program for providing a computer interface which facilitates security trading by a user communicating over a network with at least one computer system, the interface comprising simultaneously displayed non-overlapping computer displays which include: (a) a computer display of user's current security positions, (b) a computer display of an open order list of the user, (c) a computer display of a trade

ticket, (d) a computer display of a watch list of securities wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update.” Claim 29 is for an article of manufacture storing a computer program as in claim 16.

With respect to claims 16 and 29, the Office Action states:

Minton fails to disclose a computer display of a watch list of securities wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update. However, Personal Finance discloses a watch list of securities where a price is updated (See page 2).

Applicants concede that Personal Finance discloses downloading stock prices at page 2: “You can also download free stock quotes from the Internet to update your portfolio. Quicken’s Investor Insight . . . lets you set up a Watch List of securities for regular price downloads.”

But there are several things that the Personal Finance reference does not disclose. First, the reference does not disclose that a single program allows a user to set up a watch list – Quicken and Investor Insight were two separate programs (Investor Insight apparently no longer exists) - see page 2 of enclosed reference “PC RAMS - Quicken 99 by Intuit.”

Second, and more importantly, Personal Finance does not disclose that Quicken permits a user to receive updated price quotes without the user requesting each update. Indeed, Applicants believe that the Quicken product, even in its most recent versions, is not capable of such a function.

Since both Minton and Personal Finance fail to disclose the element of receiving updated price quotes without the user requesting each update, those references cannot be combined to anticipate or render obvious claims that include that element. As disclosed in the specification of the subject application, such a feature requires a sophisticated and original hardware and software configuration, and would not have been obvious to one of ordinary skill in the art at the time of the invention. The rejection of claims 16 and 29 is thus successfully overcome.

Claims 17 and 30 depend from claims 16 and 29, respectively. The rejection of claims 17 and 30 is successfully overcome because of the reasons given above regarding

claims 16 and 29. The same reasoning also applies to overcome the rejection of claims 18 and 31, which depend from claims 17 and 30, respectively.

Claim 50 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Minton in view of U.S. Patent No. 5,809,483, to Broka et al. ("Broka"). Claim 50 has been canceled, but the rejection of claim 50 is nevertheless addressed herein to ensure that the grounds in the Office Action for the rejection of claim 50 are not used to reject other pending claims, especially since claim 50 contains the limitation of "further comprising means for receiving updates to the price quotes for at least one security without the user requesting each of the updates and means for displaying an updated quote to the user."

With respect to claim 50, the Office Action states:

Minton discloses all of the limitations in claim 50 above but does not explicitly disclose[] receiving update[s] to the price quotes for at least one security without the user requesting each of the updates and displaying an update to the user. Broka on the other hand, teaches a system for monitoring information about debt securities and reporting trades in the debt securities which receive update[d] price quotes and display[]the update to a user (col. 16, line 7 though col. 17, line 21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Minton by including a price quote update as taught by Broka. In so doing would allow a trader to quickly change his or her portfolios so as to maximize profits.

In this rejection, the Office Action ignores a primary element of claim 50, even though it has explicitly noted that element: "Minton . . . fails to explicitly disclose receiving updates . . . *without the user requesting each of the updates* and displaying an updated quote to the user." The emphasized requirement is not disclosed in Broka, wherein column 17, lines 4-14 clearly show that a user of Broka's system must always ask for a quote update:

Selecting Tick button **2540** in FIG. **25** causes FIPS to display the Group Tick window. Group tick window **2700**, shown in FIG. **27**, allows the user to *tick update* either a single quote by selecting button **2701**, all quotes for a single issue, by selecting button **2702**, or an entire group of issues, by selecting button **2703**. The user can also tick update either bid quotes,, by selecting button **2704**, ask quotes, by selecting button **2705**, or both bid and ask quotes, by selecting button **2706**. The tick value may be moved up by selecting button **2707**, down by

selecting button 2708, or to any desired value by using list box 2709.

Thus since, *inter alia*, Broka fails to disclose the element of "receiving updates . . . without the user requesting each of the updates," the Office Action's § 103(a) rejection of claim 50 has been successfully overcome.

In view of the foregoing, Applicants believe that all of the pending claims are in condition for allowance and respectfully request the Examiner to pass the subject application to issue.

No additional fee is believed due for filing this response. However, if a fee is due or an extension of time is required, please grant such extension and/or charge such fee to Pennie & Edmonds LLP's Deposit Account No. 16-1150.

Respectfully submitted,

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Appendix
Changes to the Claims

The rewritten claims were revised as follows:

8. (Amended) A computer program for providing a computer interface facilitating user-to-user security trading service for users communicating over a network with a computer system, the interface comprising: (a) a computer display of orders to buy certain securities at different prices based on data transmitted over the network by at least some of the users of the service; and (b) a computer display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the users of the service, wherein at least some displayed data is updated with data transmitted over the network by the computer system without the user requesting any updates.

21. (Amended) An article of manufacture storing a computer program for providing a computer interface facilitating user-to-user security trading service for users communicating over a network with a computer system, the interface comprising: (a) a computer display of orders to buy certain securities at different prices based on data transmitted over the network by at least some of the users of the service; and (b) a computer display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the users of the service, wherein at least some displayed data is updated with data transmitted over the network by the computer system without the user requesting any updates.

48. (Amended) A computer program providing a real-time trading environment to a user communicating with at least one trading system over the Internet from a user workstation, comprising: software resident at the workstation and receiving over the Internet, interpreting, and displaying as non-overlapping simultaneously displayed windows at least the following data: a) data relating to price quotes for securities, b) data relating to account balances, c) data relating to news items regarding securities, and d) data relating to user's position in securities, wherein the program further comprises means for receiving updates to the

price quotes for at least one security without the user requesting each of the updates and means for displaying an updated quote to the user.